

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 12 is amended, in a non-limiting way, to better describe the invention. Claims 4 and 15 are cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 5-14, and 16-23 are now pending in this application.

(I) Claim Rejections under 35 U. S. C. § 103- independent claim 1 and its dependent claims

Claims 1, 3, 5, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,089,304 by Graham (Graham) in view of U.S. Patent 6,687,247 by Wilford et al. (Wilford) and U.S. Patent 6,118,771 by Tajika et al. (Tajika). Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Wilford and Tajika and in further view of U.S. Patent 6,032,197 by Birdwell et al. (Birdwell). Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Wilford and Tajika and in further view of U.S. Patent 6,112,323 by Meizlik et al. (Meizlik). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of U.S. Patent 6,188,691 by Barkai et al. (Barkai). Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Barkai and in further view of Meizlik. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Wilford and Tajika in view of U.S. Patent 6,577,609 by Sharony (Sharony).

In this Office Action, the Examiner correctly recognizes that “Graham does not explicitly teach sorting means for sorting a packet according to whether the packet should be transmitted in a unicast or in a simultaneous packet form by multicast or broadcast and adding packet identification information to a packet sorted to be transmitted in simultaneous form”,

but alleges that “it would be obvious to one of ordinary skill of art to modify Graham as indicated by Wilford and Tajika as providing sorting as in Wilford can improve transmission speed”. Applicants respectfully disagree.

Graham teaches methods, systems, and program products for tracking a client’s usage of one or more services provided by one or more servers. It teaches sending redundant metering packets to increase the likelihood that the information of the client’s usage packets is received, even if one or more packets are lost. If the feature of “sorting of packets according to whether the packet should be transmitted in a unicast or in a simultaneous packet form by multicast or broadcast” were combined to Graham, the transmission speed would not be improved, unlike what the Examiner alleges in this Office Action.

Applicants respectfully submits that adding such as a feature to Graham, instead of improving the processing speed, would slow the processing speed by adding an extra step to the process and generate extra unnecessary cost.

Thus, there is no motivation to combine Graham and Wilford.

Tajika, Birdwell, Meizlik, Barkai, and Sharony were cited for disclosing other features of the claims, but fail to cure the above deficiencies.

Thus, the independent claim 1 and its dependent claims are patentable for at least the above reasons.

(I) Claim Rejections under 35 U. S. C. § 103- independent claim 2 and its dependent claims

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,574,770 by Daudelin et al. (Daudelin). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,574,770 by Daudelin et al. (Daudelin) in view of Wilford and in further view of U.S. Patent 6,032,197 by Birdwell et al. (Birdwell). Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,574,770 by Daudelin et al. (Daudelin) in view of Wilford and in view of U.S. Patent 5,793,976 by Chen et al. (Chen). Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,574,770 by Daudelin et al. (Daudelin) in view of Wilford and in further view of U.S.

Patent 6,188,691 by Barkai et al. (Barkai). Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,574,770 by Daudelin et al. (Daudelin) in view of Wilford and in further view of U.S. Patent 6,646,987 by Qaddoura (Qaddoura). Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daudelin in view of Wilford and in further view of U.S. Patent 6,577,609 by Sharony (Sharony). Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daudelin in view of Wilford and Qaddoura as applied to claim 19 above, and further in view of Sharony. Applicants respectfully traverse these rejections for the reasons given below.

Claim 12 recites “reception means capable of receiving duplicate packets that are allocated packet identification information once or a plurality of times without a retransmission request”.

In sharp contrast to claim 12, the error-correcting communication protocol disclosed in Daudelin requires “a retransmission request” (the pending retry timer expires) to enable the retransmission process. Support for this statement can be found in C2/L60-64 of Daudelin, which states that “when the pending retry timer expires, a hardware process or a software transmit complete interrupt service routine, moves all queues associated with the pending retry timer out of the pending retry state, enabling their packets to be transmitted again.”

Thus, Daudelin fails to teach “reception means capable of receiving duplicate packets that are allocated packet identification information once or a plurality of times without a retransmission request”.

Wilford, Birdwell, Chen, Barkai, Qaddoura, and Sharony were cited for disclosing other features of the claims, but fail to cure the above deficiencies of Daudelin.

Thus, claim 12 and its dependent claims are patentable for at least the above reasons.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The

Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6014
Facsimile: (202) 672-5399

By Phillip J. Articola

for / George C. Beck
Attorney for Applicants
Registration No. 38,072

Reg. No.
38,819